

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PERMASTEELISA NORTH AMERICA
CORP.,

Plaintiff,

-v-

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA, and
LIBERTY MUTUAL FIRE INSURANCE
COMPANY,

Defendants.

No. 09 Civ. 1836 (RJS)
ORDER

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/21/09

RICHARD J. SULLIVAN, District Judge:

As stated by the Court at the conference held before it on October 21, 2009, Defendant Liberty Mutual Fire Insurance Company's motion to dismiss is denied in part and granted in party. Specifically the motion to dismiss for failure to join a necessary party is denied, and the motion to dismiss the claim for breach of the implied covenant of good faith and fair dealing, the punitive damages prayer for relief, and the attorneys' fees prayer for relief is granted.

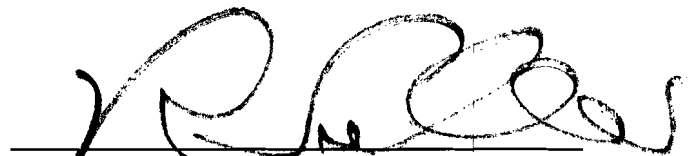
As further stated at the October 21, 2009 conference, Defendant Liberty Mutual Fire Insurance Company shall prepare and produce a privilege log as to all documents over which it asserts privilege, as required by Federal Rule of Civil Procedure 26(b)(5) and Local Civil Rule 26.2. The relevant cut-off date for this privilege log, and the production of discovery in this matter, is the commencement of this litigation, February 26, 2009. (*See* Doc. No. 1.)

The parties are reminded to comply with the various dates set forth in the August 27, 2009 Case Management Plan and Scheduling Order. (*See* Doc. No. 30.)

The Clerk of the Court is instructed to terminate the motion located at docket number 31.

SO ORDERED.

Dated: October 21, 2009
 New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE